

HOUSE BILL REPORT

HB 1874

As Reported by House Committee On:
Human Services

Title: An act relating to transition and reentry of offenders into the community.

Brief Description: Addressing the transition and reentry of offenders into the community.

Sponsors: Representatives Roberts, Dickerson, Green, Pettigrew, O'Brien, Kagi, Dunshee, Hunt, Goodman, Jarrett, Darneille, Hasegawa, McCoy, Appleton, Upthegrove, Kessler, Kenney, Moeller, Lantz, Sells, Hurst, Simpson, McIntire and Ormsby.

Brief History:

Committee Activity:

Human Services: 2/7/07, 2/15/07 [DPS].

Brief Summary of Substitute Bill

- Changes several areas of law to assist offenders who are released from the Department of Corrections facilities to successfully transition into the community while maintaining public safety.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Walsh, Assistant Ranking Minority Member; Darneille, McCoy and O'Brien.

Minority Report: Do not pass. Signed by 2 members: Representatives Ahern, Ranking Minority Member and Bailey.

Staff: Sonja Hallum (786-7092).

Background:

Offender Reentry Issues

Each year, thousands of offenders return to the community from Washington prisons after completing their sentences. Research from the Washington State Institute of Public Policy

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

(WSIPP) shows that approximately 54 percent of these offenders will commit a new felony within 13 years. Further, the Washington Caseload Forecast Council estimates that under existing policies, Washington's incarceration rate will increase 23 percent by the year 2019.

In 2005, the Legislature directed the WSIPP to report, by October 2006, whether evidence-based and cost-beneficial policy options exist to alleviate the need to build more prisons. The WSIPP concluded that several programs directed to adult offenders can have a positive impact on recidivism and produce significant cost savings for Washington.

Education

In 1995, the Legislature adopted a law requiring the Department of Corrections (DOC) to prioritize its available resources to meet the following educational goals, specified in order of priority:

- achievement of basic academic skills through obtaining a high school diploma or its equivalent, and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;
- additional work and education programs that are compatible with an offender's case management plan; and
- other work and education programs as appropriate.

The 1995 legislation required the DOC to develop a formula by which inmates would contribute to the cost of certain educational and vocational programs based on their ability to pay. The formula requires offenders to pay a portion of the costs or tuition for any second or subsequent vocational program associated with their work programs and any Associate of Arts or Baccalaureate degree programs that are part of their case management plans. The formula also requires offenders to pay all costs and tuition of any post-secondary academic program and any second or subsequent vocational program that is not part of their case management plan.

As a result of these statutory priorities, which were implemented in the context of a 5 percent reduction in the DOC's education budget, many post-secondary academic programs and vocational programs were eliminated from state correctional institutions.

Community Custody

"Community custody" means that portion of an offender's sentence of confinement served in the community subject to controls placed on the offender's movement and activities by the DOC. The offender is supervised by a Community Corrections Officer while on community custody.

Summary of Substitute Bill:

Individual Reentry Plan

The DOC is required to develop an Individual Reentry Plan (IRP) for all inmates in the DOC custody. The IRP establishes a plan for the offender during the period of incarceration through release into the community. The plan is created with input from the offender and addresses programming for the offender while incarcerated and a plan for the offender to follow upon release. The plan includes public safety concerns upon release, connection to a Community Justice Center (CJC), housing, employment, education, treatment needs, family reunification, and other areas needed to facilitate successful reintegration into the community. The IRP is a tool for use within the DOC facility only and is not intended to be used as conditions for release or to be monitored on supervision.

The initial IRP is created following the initial assessment the offender receives within 45 days of entering the DOC facility. The plan may consist of one document, or may be a combination of several documents. The plan is updated during the period the offender is incarcerated, including a required update six months prior to release.

The IRP does not create a vested right to services and programming.

Community Justice Centers

The DOC is required to continue establishing CJs within the state for the purpose of providing nonresidential assistance to inmates who are reentering the community. The DOC is required to have a minimum of six CJs operational by December 1, 2009, with two sites located in Eastern Washington, including those in operation on the effective date of the Act. An additional three sites are required to be operational by December 1, 2011. The DOC must comply with all applicable zoning laws and provide notice to counties before siting facilities.

The DOC is required to designate a Community Transition Coordinator (Coordinator) within each of the CJs. The Coordinator will act to facilitate connections between the former inmate and the community. The Coordinator will provide information to the former inmate regarding services available to the former inmate and may refer the former inmate to chemical dependency or mental health services. Funding in the amount of \$2 million for the fiscal year ending June 30, 2008 and \$2 million for the fiscal year ending June 30, 2009, is appropriated for the purpose of providing chemical dependency and mental health services to inmates who are reentering the community after having been incarcerated in a DOC facility.

Education

Access to Educational Programs

Priority for educational funding for work and education programs is based on the IRP rather than the initial assessments of the inmate that are given within 45 days of the offender entering the DOC facility. Programming is to be based on the IRP. The requirement that offenders with a grade level score for basic academic skills below an eighth grade level be automatically placed in a combined education and work program is removed.

Restrictions on inmates who may be precluded from the Class I correctional industries program is removed to allow all inmates to have the opportunity to enter this program regardless of their release date.

Costs of Educational Programs

The offender is required to pay for any postsecondary academic program and any educational or vocational program if the offender previously abandoned educational or vocational course work without a satisfactory explanation, if they are not included in his or her IRP.

The following programs are removed from the list of programs for which the offender must pay all, or a portion, of the costs so long as they are included in the offender's IRP:

- a second or subsequent vocational program associated with the inmate's work program; and
- an Associate degree.

An offender may participate in a Baccalaureate degree program if the offender pays for the costs of the program. An offender sentenced to life without the possibility of release may receive more than one post secondary academic degree so long as he or she pays the cost of the program.

Other Requirements

The following requirements are removed:

- the DOC to reduce the per pupil cost of education through the use of volunteer instructors and electronic learning methods;
- the DOC shall adopt a plan to demonstrate how cable, closed circuit, and satellite television will be used for educational and training purposes; and
- that all vocational and educational programs be relevant to work programs to enable the inmate to become employed upon release.

The DOC and the State Board for Community and Technical Colleges are required to review methods to optimize educational and vocational programming opportunities to meet the needs of offenders and report to the Governor and Legislature by November 15, 2007 with recommendations. Faculty in both incarceration and post-incarceration educational programs are to be included in the review process.

Task Force

A joint legislative task force is created for the purpose of providing implementation of the Act and developing recommendations to assist reentry of inmates into the community. The task force will be comprised of legislators and representatives from the Attorney General, DOC, Employment Security, and Department of Licensing. The task force may consult with other individuals in developing recommendations in the following areas:

- the use of IRPs by the DOC;
- access to educational opportunities by inmates in DOC facilities;

- changes to occupational licensing laws and policies to encourage employment of individuals with criminal histories while maintaining public safety;
- federal and state barriers preventing individuals with criminal histories from obtaining employment in public or government contracting jobs;
- other barriers that might prevent former inmates from obtaining employment;
- criteria for obtaining housing through the program established by the Department of Community, Trade, and Economic Development (DCTED) under the Act; and
- criteria for obtaining housing through the program established by the DOC under the Act.

The Task Force is required to submit a report to the Governor and the Legislature by November 15, 2008.

Housing

Department of Corrections Housing

The DOC is granted \$3.85 million in Fiscal Year 2008 and \$3.85 million in Fiscal Year 2009 to enter into agreements to provide short-term housing for offenders who are reentering the community and are in need of temporary housing. The DOC is required to develop criteria for eligibility for the program. Housing may be provided for up to 120 days.

Department of Community, Trade, and Economic Development Housing

The DCTED is granted \$3.85 million in Fiscal Year 2008 and \$3.85 million in Fiscal Year 2009 to enter into agreements to provide transitional housing for offenders who are reentering the community and are in need of transitional housing. The DCTED is required to develop criteria for eligibility for the program. Preference for housing contracts shall be given to those programs that provide an educational component to their housing, particularly education relating to independent living skills.

Substitute Bill Compared to Original Bill:

Individual Reentry Plan

The substitute bill clarifies that the IRP is for use only within the DOC and is not intended to be used as a condition of release or to be monitored on supervision. The IRP may consist of one document, or may be comprised of several different documents. Dates are changed to give the DOC additional time to complete the assessments and the IRP.

Community Justice Centers

The substitute bill clarifies that CJsCs are nonresidential facilities. The siting of the first six CJsCs is changed to require two in Eastern Washington rather than one in a rural location. Additionally, language is added requiring the CJsCs to comply with all applicable zoning laws and provide notice to the counties before siting the facility.

The Community Transition Coordinator is granted the ability to refer offenders to chemical dependency or mental health services and \$2 million for the fiscal year ending June 30, 2008

and \$2 million for the fiscal year ending June 30, 2009, is appropriated for the purpose of providing chemical dependency and mental health services to inmates who are reentering the community after having been incarcerated in a DOC facility.

The DOC is permitted to enter into contracts to provide educational programming to offenders.

Earned Release

The substitute removes the language relating to partial confinement. There is no change to current law.

Education

The substitute requires an offender to pay the costs of a Baccalaureate degree program in order to participate in the program.

Community Custody Violations

The substitute bill removes the changes to sanctions for violations of community custody. There is no change to current law.

Housing

The housing programs are changed to require the DOC to provide temporary housing to all offenders who are leaving a DOC facility and are in need of housing. The DCTED is required to provide transitional housing to all offenders who are in need of transitional housing. The limit of 120 days maximum of the DCTED housing is removed. Preference for housing contracts must be given to those programs that provide an educational component to their housing, particularly education relating to independent living skills.

Community Corrections Officers

The DOC is required to develop a plan to reduce the supervision caseload of Community Corrections Officers (CCO) by December 1, 2012. The DOC is required to utilize the workload study conducted by the DOC to develop the plan. Prior to 2012, the DOC must hire additional CCOs to the extent funding is provided in the budget. Funding in the amount of \$2 million for the fiscal year ending June 30, 2008 and \$2 million for the fiscal year ending June 30, 2009, is appropriated for the purpose of providing additional CCOs.

Order of Discharge

The substitute removes all the changes to the ability of an offender to obtain an order of discharge. There is no change to current law.

Appropriation: The sum of \$4.85 million is appropriated to DOC and the sum of \$3.85 million is appropriated to the DCTED for the fiscal year ending 2008. The sum of \$4.85 million is appropriated to DOC and the sum of \$3.85 million is appropriated to the DCTED

for the fiscal year ending 2009. The sum of \$2 million is appropriated to the Department of Social and Health Services (DSHS) for the fiscal year ending 2008 and the sum of \$2 million is appropriated to the DSHS for the fiscal year ending 2009.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support on original bill) This bill aligns many of the policies the DOC is requesting and that are in the budget, with policy that is codified. Many suggestions from the Oversight Committee and the Washington State Institute for Public Policy are incorporated into this bill. We have a 63 percent recidivism rate and this bill is aimed at reducing that recidivism rate to increase public safety and save money by not having to build more prisons. When offenders are released they need to have received an education and they need housing. Studies show that education in prison reduces recidivism. When you reduce recidivism you reduce victims. One concern is that the education is connected to the IRPs. Housing is critical. If we don't deal with the most basic needs, we can't deal with other issues. The rate of incarceration of children of offenders is much higher than other children, so helping successful reentry also helps future generations. The order of discharge doesn't deal with restitution, but starts the process of expungement so people can get back on track. There needs to be a standing body to provide oversight. There needs to be continuity of care for mental health and medical issues. Mental health issues have a big impact on an offender's ability to reenter the community. We continue to be concerned that the sanction process does not differentiate between major and minor violations. The DCTED is not the best place for housing. It should be with the DOC. Housing is important, particularly if it teaches life skills to this group who may not have ever learned these skills.

(In support with concerns on original bill) We are concerned about who is being put into work release. The certificate of discharge being issued before all the legal financial obligations are paid does not make the victims whole because it does not pay those fines supporting programs that assist the victims. The Attorney General's office is concerned about the current liability in the bill. People may argue the reason they committed the crimes because they did not get treatment in prison. Education in jails also needs to be improved. Community Correction Officer caseloads are a great problem. The bill needs to address services because many of these offenders will be transitioning to a closed door for programs such as chemical dependency and mental health.

(With concerns on original bill) The schedule for siting Community Justice Centers is ambitious and the cities would like to work with the DOC in the siting of these facilities. This is a new program for the DCTED. We do have a pilot program to work with this population. We aren't sure 120 days is enough time for transitional housing. The Task Force recommendation was to delink the certificate of discharge to the right to vote.

(Opposed to original bill) We have concerns with the sanctions for violations and the increase in partial confinement. If the intent of this bill is to restore the right to vote, there are other bills in the Legislature now that are addressing that issue in a way that makes it clear who are ineligible.

Persons Testifying: (In support of original bill) Representative Roberts, prime sponsor; Harold Clarke, Department of Corrections; Tim Boutz, Walla Walla Community College and Washington State Correctional Education Association; Polly Trout, Seattle Education Access; Ari Kohn, Post-Prison Education Program; Mary Leighton, Children's Home Society of Washington; Daniel Clark, Friends Committee on Washington Public Policy; Ronald Ein, Transition and Reentry Reform Coalition; Larry Gosett, King County Councilman; Noreen Galano; Kathy Goebel, State Board for Community and Technical Colleges; Dave Johnson, Washington Coalition of Crime Victims Advocates; Greg Provenzano, Columbia Legal Services; Seth Dawson, Washington State Coalition for the Homeless; and Bob Markholt, Seattle Vocational Institute.

(In support with concerns on original bill) Glen Anderson, Attorney General's Office; Amber Lewis and Ginger Lewis, Washington Federation of State Employees; Robert Kennar, Department of Corrections, Offender Minimal Management Unit; Jim Tharpe, Unity House; Nick Federici, United Way of King County; and Sophia Byrd McSherry, Washington Association of Counties.

(With concerns on original bill) Tammy Fellin, Association of Washington Cities; Marie Sullivan, Department of Community, Trade, and Economic Development; and Jennifer Shaw, American Civil Liberties Union.

(Opposed to original bill) Tom McBride, Washington Associate of Prosecuting Attorneys; and Katie Blinn, Secretary of State's office.

Persons Signed In To Testify But Not Testifying: None.